

REMARKS

Reconsideration of the above identified application is respectfully requested. The Examiner rejected Claims 7-9, which are the only Claims pending in the case under 35 U.S.C. § 102 because the recitation “said face” in line 3 and “said back face” in line 4 had insufficient antecedent bases. Claim 7 has been amended to correct this deficiency.

Applicants object to the final rejection in that it is believed the Final Rejection is premature. Claim 7 is essentially a rewrite of Claim 1 which only added the angles of eccentricity of the handle. The reference cited, one disclosed by applicants in an information disclosure statement, was never cited by the Examiner in the rejection although the reference was available due to applicants disclosure.

As set out in the specification, the invention provides ease of discharge of pourable material by inclining the handle eccentrically displaced to alleviate the problems of pouring the material. None of the prior art including newly cited GB1545469 teach or suggest inclining the handle so as to alleviate the difficult task of pouring material from the pack. In view of the fact that none of the prior art recognizes the problem or its solution, it is unwarranted for the Examiner to make the conclusion that it would have been obvious to one having ordinary skill in the art to provide the handle along an axis of symmetry at an angle in the range of two degrees to twenty degrees parallel or perpendicular to a pack face. There is no teaching or suggestion in any of the prior art to make this conclusion.

If the Examiner persists in the rejection, entry of the amendment for placing the claim in better condition for appeal is respectfully requested.

Application Serial No.: 09/982,584
Attorney Docket No.: 400004-2012

CONCLUSION

Applicant requests a three-month extension of time to respond to up to and including February 19, 2004. Our check in the amount of \$1380.00 is enclosed to cover the fee associated with the extension of time and a request for filing an appeal.

The Commissioner is hereby authorized to credit any overpayments or charge any insufficient fees associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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